

SHIPPING INTELLIGENCE

ARRIVED

Tuesday, May 17
 S. S. Hiram, Honolulu, from Sydney, Australia and Pago Pago, called at 11:30 a. m.
 S. S. Hiram, Honolulu, from Sydney, Australia and Pago Pago, called at 11:30 a. m.

Wednesday, May 18
 S. S. Hiram, Honolulu, from Sydney, Australia and Pago Pago, called at 11:30 a. m.
 S. S. Hiram, Honolulu, from Sydney, Australia and Pago Pago, called at 11:30 a. m.

Thursday, May 19
 S. S. Hiram, Honolulu, from Sydney, Australia and Pago Pago, called at 11:30 a. m.
 S. S. Hiram, Honolulu, from Sydney, Australia and Pago Pago, called at 11:30 a. m.

Friday, May 20
 S. S. Hiram, Honolulu, from Sydney, Australia and Pago Pago, called at 11:30 a. m.
 S. S. Hiram, Honolulu, from Sydney, Australia and Pago Pago, called at 11:30 a. m.

Saturday, May 21
 S. S. Hiram, Honolulu, from Sydney, Australia and Pago Pago, called at 11:30 a. m.
 S. S. Hiram, Honolulu, from Sydney, Australia and Pago Pago, called at 11:30 a. m.

Sunday, May 22
 S. S. Hiram, Honolulu, from Sydney, Australia and Pago Pago, called at 11:30 a. m.
 S. S. Hiram, Honolulu, from Sydney, Australia and Pago Pago, called at 11:30 a. m.

DEPARTED

Tuesday, May 17
 S. S. Hiram, Honolulu, for Sydney, Australia and Pago Pago, at 11:30 a. m.

Wednesday, May 18
 S. S. Hiram, Honolulu, for Sydney, Australia and Pago Pago, at 11:30 a. m.

Thursday, May 19
 S. S. Hiram, Honolulu, for Sydney, Australia and Pago Pago, at 11:30 a. m.

Friday, May 20
 S. S. Hiram, Honolulu, for Sydney, Australia and Pago Pago, at 11:30 a. m.

Saturday, May 21
 S. S. Hiram, Honolulu, for Sydney, Australia and Pago Pago, at 11:30 a. m.

Sunday, May 22
 S. S. Hiram, Honolulu, for Sydney, Australia and Pago Pago, at 11:30 a. m.

Monday, May 23
 S. S. Hiram, Honolulu, for Sydney, Australia and Pago Pago, at 11:30 a. m.

Tuesday, May 24
 S. S. Hiram, Honolulu, for Sydney, Australia and Pago Pago, at 11:30 a. m.

Wednesday, May 25
 S. S. Hiram, Honolulu, for Sydney, Australia and Pago Pago, at 11:30 a. m.

Thursday, May 26
 S. S. Hiram, Honolulu, for Sydney, Australia and Pago Pago, at 11:30 a. m.

Friday, May 27
 S. S. Hiram, Honolulu, for Sydney, Australia and Pago Pago, at 11:30 a. m.

Saturday, May 28
 S. S. Hiram, Honolulu, for Sydney, Australia and Pago Pago, at 11:30 a. m.

Sunday, May 29
 S. S. Hiram, Honolulu, for Sydney, Australia and Pago Pago, at 11:30 a. m.

Monday, May 30
 S. S. Hiram, Honolulu, for Sydney, Australia and Pago Pago, at 11:30 a. m.

Tuesday, May 31
 S. S. Hiram, Honolulu, for Sydney, Australia and Pago Pago, at 11:30 a. m.

Wednesday, June 1
 S. S. Hiram, Honolulu, for Sydney, Australia and Pago Pago, at 11:30 a. m.

Thursday, June 2
 S. S. Hiram, Honolulu, for Sydney, Australia and Pago Pago, at 11:30 a. m.

Friday, June 3
 S. S. Hiram, Honolulu, for Sydney, Australia and Pago Pago, at 11:30 a. m.

Saturday, June 4
 S. S. Hiram, Honolulu, for Sydney, Australia and Pago Pago, at 11:30 a. m.

Sunday, June 5
 S. S. Hiram, Honolulu, for Sydney, Australia and Pago Pago, at 11:30 a. m.

Monday, June 6
 S. S. Hiram, Honolulu, for Sydney, Australia and Pago Pago, at 11:30 a. m.

Tuesday, June 7
 S. S. Hiram, Honolulu, for Sydney, Australia and Pago Pago, at 11:30 a. m.

Wednesday, June 8
 S. S. Hiram, Honolulu, for Sydney, Australia and Pago Pago, at 11:30 a. m.

Thursday, June 9
 S. S. Hiram, Honolulu, for Sydney, Australia and Pago Pago, at 11:30 a. m.

Friday, June 10
 S. S. Hiram, Honolulu, for Sydney, Australia and Pago Pago, at 11:30 a. m.

Saturday, June 11
 S. S. Hiram, Honolulu, for Sydney, Australia and Pago Pago, at 11:30 a. m.

Sunday, June 12
 S. S. Hiram, Honolulu, for Sydney, Australia and Pago Pago, at 11:30 a. m.

VICKERY
LAUDING
HAWAII

(Special to The Advertiser.)

SAN FRANCISCO, May 19.—"Poetry is not deep over all the islands and the natives make it plain they have poetry in their souls by their language, their songs and their music," said W. K. Vickery to me when I asked him the most striking characteristic of Hawaii.

Now Vickery has been in Hawaii only once, and then for but five weeks. This was a few weeks ago, but the picture dealer still sees the cloud dreams over Tantalus, the sun dance of the waves at Waikiki, and the plummy palms which swing lazy in the breeze toward Diamond Head.

His ears still hold the soft strains of the Kanaka harmonies, and he can never forget the generous hospitality which welcomed him to the islands and made him eat the lotus as one of the dwellers in paradise.

And so Vickery is already planning to return to Hawaii. "Once a year I shall go there," he said to me. "I don't know why I never went before. Perhaps I thought I was too busy or perhaps I did not know what was there for me. I have long known many Hawaiians. Governor Dole has never failed to come to my gallery here when he has visited San Francisco. When I went to Honolulu he was on the eve of setting out for the mainland, but he spared an hour to see my offerings, and to invite me to his own charming home."

"That is the character of Hawaii. The unbounded hospitality which makes one forget he is among strangers and which binds one to the people of the islands with golden fetters of marvelous strength."

"I had heard much for many years of the beauties and attractions of the country but I was not prepared for the wonderful absence of those deterrents and annoyances which make life in other insular lands so much less romantic than pictured by the imagination. I have lived in the West Indies and am familiar with all of them. Yet even in Barbadoes we had terrible insect pests which made life unendurable at times."

"The Hawaiian mosquito? Well, he is not a pest or winged angel, but he certainly has not half the diabolical ability and persistence of the West Indies mosquito. I found him active and awake at all hours, but not vindictive nor as sanguinary as his Atlantic brother. Hawaii has no reptiles or venomous insects, as have the much-lauded islands of the Spanish main. I spent five weeks at St. Pierre, Martinique, now buried under the flaming snow of Mont Pelée. Surely, it was a beautiful spot, but Hawaii surpasses its proudest day."

"The peoples of the West Indies are altogether different from those of the South Seas. The natives of Martinique dress more artistically; I don't think the hula a thing of beauty. As to the homes of Hawaii, I cannot remember ever seeing houses which more exactly fitted my ideas of what tropical dwellings should be than some of the homes in Honolulu. The generous grounds especially in front of the houses, is one of the most charming features. The native idea of the lanai—board, deep and really a principal part of the building—strikes me as a very happy conception; it permits one to dwell practically out of doors with the privacy and protection of walls."

"Hawaii will within a year or two be the mecca of tourists from all over the world. Whereas now many stay there only a few days between steamers, when the big new vessels are running, and the cable is laid, there will be thousands of sight-seers and pleasure lovers who will spend months in the islands. The hotels will be crowded and more hotels will be needed. Certainly I never saw a city which combined natural beauty with a climate and comfort as good as Honolulu. My few weeks there were filled with joys and I look forward to returning once a year."

"When I went I took for sale a few etchings and a few oil paintings. I was delighted at the appreciation of Honolulu. I showed only the 'highest class' of etchings but found a ready understanding of their artistic values among those who came to my gallery in the McIntyre block."

"This is doubly delightful, for from the fact that the brilliancy of Hawaiian scenes is so opposite to the rather sombre tones of the coloring, one might not have looked for a strong liking for them by those who see always the warm hues of sea, sky and hill in Hawaii."

Vickery, as of course is well known in Honolulu, is a rare blend of pictures and objects of art. His work here is a collection of beautiful and rare etchings. It is with the exception of Elder & Shepherd's bookstore, which is next door to Vickery's, on Post street, the most artistic commercial establishment in San Francisco. Vickery is an enthusiastic admirer of Hawaii and as his work goes far with many people of wealth and leisure, his praises of the islands must result in many visiting on his say so.

FREDERICK O'BRIEN.
 Captain Saved.

News comes from the coast that Captain and Mrs. Chadwick Thompson and the crew of the wrecked American ship Ironquills succeeded in making the island of Salayer, in the Flores sea, and were eventually rescued. Captain Thompson is well known here, having formerly been on the northern run.

Pele in Good Humor

Natives say there is not the slightest danger of a volcanic upheaval on Hawaii. They explain that the goddess Pele has always been well-treated and as a result is kind to her people. In any event, the court holds, that it is now too late to raise such a question. The decision of the Supreme Court on appeal is held to be binding, whatever the facts in connection with the lower court's decree.

HAD POWER
TO APPOINTThe Supreme Court
Upholds Acts
of Dole.

The Supreme Court in a concurrent opinion filed yesterday, denied the motion to vacate the decree in the case of John U. Hind et al. vs. Wilder's Steamship Co. Questions of vital importance to Hawaii were settled by the decision, in which it was held that the acts of President Dole in appointing Judges Sullivan and Davis to temporarily act were legal and binding, without the approval of the President of the United States. A general attack was made by the attorneys for the Wilder Company upon the legality of acts performed by Governor Dole just prior to annexation, but the Supreme Court overruled the contention and upheld the Governor. Several other important questions which have been bobbing up in the courts recently are also decided, among them being that one Judge may sign a decree in conformity with an opinion filed by another Judge in the same circuit, and that there are not two offices in the case of each Circuit Judge—that of Circuit Court and that of Circuit Judge in chambers, but only that of Circuit Judge.

The case upon which these questions have been decided has been through a long and tortuous path of litigation. The suit grew out of the collision about two years ago, in which the William Carson was sunk by the steamer Claudine. The case was heard by the Circuit Court, which held for the plaintiff, and Judge Sullivan gave the order which Davis signed. On appeal to the Supreme Court the lower court was sustained, and the Circuit Court of Appeals sustained the Hawaiian Supreme Court in refusing to allow an appeal. The United States Supreme Court did likewise, and the United States District Court here also found for the plaintiff, which was sustained by the Circuit Court of Appeals.

The decision of the court is written by Chief Justice Frear and Judge Galbraith writes a brief concurring opinion. The following is the syllabus which settles the important law points: Semble, that one Circuit Judge may sign a decree in conformity with an opinion filed by another Judge of the same circuit who has gone out of office. Semble, that a void decree is appealable. If the Supreme Court entertains without objection an appeal from a decree signed without objection by one Circuit Judge upon the decision of another, its decree cannot afterwards be set aside on motion as void, assuming that the decree appealed from was improperly signed by a different Judge from the one who heard the case. A statute is not repealed though expressed to be repealed by a later statute, if the latter is void. There cannot be a de facto officer unless there is a de jure officer. If there is a de jure officer, there may be a de facto officer, however invalid his appointment. There may be a de facto officer even though the office is already filled by a de jure officer, if the latter is not in possession of the office.

There are not two offices in the case of each Circuit Judge—that of Circuit Court and that of Circuit Judge in chambers. There is but one office, that of Circuit Judge, though certain powers are exercised in Circuit Court and others in chambers. Acts 23 and 67 of the laws of 1898, the latter purporting to repeal the former, each provided for the appointment by the President of the Republic, without the consent of the Senate, of a person to perform the duties of a Circuit Judge during the latter's temporary disability or absence. The President appointed certain persons to act in the places of the First and Second Circuit Judges of the First Circuit during the latter's illness. The special judges performed the duties of the offices with the acquiescence of all concerned during the illness of the regular judges. One of the special judges heard a case in admiralty and filed his decision. The other signed a decree in conformity with that decision. The case was appealed and a decree entered in the Supreme Court slightly modifying that of the lower court. Five terms afterwards a motion was made to set aside the decree of the Supreme Court on the ground that the decision and decree of the special judges were void. Held, Assuming that Acts 23 and 67 were unconstitutional because the appointments therein provided for were not to be made with the approval of the Senate, that decrees absolutely void may be set aside at terms subsequent to those at which they are rendered, and that the consent of the parties cannot invest persons with judicial power, still the special judges were judges de facto and their decrees cannot be thus attacked collaterally.

The result would be the same if, assuming these Acts to have been valid before the annexation of these islands to the United States, they were rendered invalid by the joint resolution of annexation (after which the appointments therein provided for were not to be made with the approval of the Senate), that decrees absolutely void may be set aside at terms subsequent to those at which they are rendered, and that the consent of the parties cannot invest persons with judicial power, still the special judges were judges de facto and their decrees cannot be thus attacked collaterally.

Justice Galbraith concurs in the conclusion announced by the majority, but does not feel called upon to pass upon the questions raised, as he says that the libellee had no rights to urge the motion five terms after the decree had been filed. He suggests that the questions raised are more academic than practical, and concludes: "The facts in this case have been passed upon by four different courts and practically the same conclusion was reached by each. Public policy and the interests of justice demand that there should be an end to litigation."

Smith and Lewis were attorneys for the libellants and Kinney, Ballou and McClanahan for libellee.

The Cuban Republic

NEW YORK, May 22.—English press comments on the inauguration of the Cuban Republic provide interesting reading, cables the London correspondent of the Tribune. The expectation is generally expressed that the infant republic will at no very remote date be absorbed into the United States on the ground that the islanders had proved their unfitness to govern themselves when they had a fair trial. The meaning of this is that few people here ever seriously imagined that the independence of Cuba would become an accomplished fact, and although the United States is heartily congratulated on the fulfillment of its pledge, most editorials suggest that Uncle Sam will gladly welcome any opportunity that will give him excuse for adding the Pearl of the Antilles to his property.

Naval officers highly praise the new submarine boats of the Holland type and recommend them for patrol of America's coasts.

ROYAL
Baking PowderMakes the bread
more healthful.Safeguards the food
against alum.Alum baking powders are the greatest
menaces to health of the present day.

ROYAL BAKING POWDER CO., NEW YORK

gality of the appointment of Judge Sullivan and Judge Davis by Governor Dole "before the establishment of the Territorial Government, although after the annexation of these islands to the United States." The laws under which the appointments were made are then set out, and discussed at some length, the court assuming that acts 23 and 67 were unconstitutional, as the Judges were to be appointed by the President without the approval of the Senate.

In this connection the court also says: "At present, under the Organic Act, section 81, the Circuit Courts may, perhaps, be regarded as constitutional courts." The court says that if there is a de jure officer there must be a de facto officer. Continuing: "If the office does not exist except as created by the act in question, it cannot exist at all, even de facto."

The court finds also that there is but the Circuit Judge, and not both a Circuit Court and a Judge in chambers, and that a de facto officer may be in possession of the office while the de jure officer is in existence, although not in possession of the office. It is shown also that the regular Judges acquiesced in the acts of the special Judges who filled the offices during their illness, and that the authority of these special Judges had never been questioned.

In conclusion, Justice Frear goes into the effect of annexation upon this case, quoting the joint resolution and the correspondence between the Hawaiian Government and the Secretary of State in reference to the appointing power. Concluding, he says:

The contention is that the joint resolution transferred all power of appointment to the President of the United States and so repealed the Hawaiian constitution and laws in so far as they gave to anyone the power to create or fill a judicial office, and that, even conceding that there were vacancies in the present case, and that Act 67 of 1898 was constitutional, there could be no color in the appointment of anyone to a judicial office unless the appointment came from the President of the United States. It would seem from the authorities that color of appointment or of authority to appoint is not necessary to constitute one a de facto officer, although in certain cases it adds much to other evidence tending to show one to be a de facto officer. But aside from that, it is clear that the joint resolution continued in force the judicial powers of Circuit Judges and also the President's civil power of appointment, subject to the superior power of the President of the United States in that respect, or at least that the latter's direction that the civil powers exercised by the officers of the existing government in these islands should be exercised by the officers of the Republic of Hawaii as it existed just prior to the transfer of sovereignty, continued in force. The Hawaiian judges, such as they were, were clearly within the power conferred upon him by the joint resolution. It does not fall within the doctrine that de facto power cannot be delegated. But after all, what difference does it make that the President of Hawaii lacked the power to make the appointments in question after annexation if he lacked it also before annexation? In either case he was without the power, and the validity of the acts of the appointees are unassailable now and here, because the appointments were valid, but because, assuming that the President did not have even color of authority to appoint them, they were nevertheless de facto officers in possession of de jure offices, and performing the functions of those offices and, we may add, with the acquiescence of all concerned in their supposed right to hold those offices and perform those functions.

The motion to vacate the decree is denied.

Justice Galbraith concurs in the conclusion announced by the majority, but does not feel called upon to pass upon the questions raised, as he says that the libellee had no rights to urge the motion five terms after the decree had been filed. He suggests that the questions raised are more academic than practical, and concludes: "The facts in this case have been passed upon by four different courts and practically the same conclusion was reached by each. Public policy and the interests of justice demand that there should be an end to litigation."

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Naval officers highly praise the new submarine boats of the Holland type and recommend them for patrol of America's coasts.

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 ASSESSMENTS.

THE TWENTY-FIRST ASSESSMENT of 10% or two dollars (\$2.00) per share has been called to be due and payable June 20, 1902.

The twenty-second assessment of 10% or two dollars (\$2.00) per share has been called to be due and payable August 21, 1902.

The twenty-third assessment of 10% or two dollars (\$2.00) per share has been called to be due and payable December 20, 1902.

Interest will be charged on assessments unpaid ten days after the same are due at the rate of one per cent (1%) per month from the date upon which such assessments are due.

The above assessments will be payable at the office of The B. F. Dillingham Co., Ltd., Stangenwald building. (Signed) ELMER E. PAXTON, Treasurer Olaa Sugar Co.

May 12, 1902. 2383

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 Powell's Balsam
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 Coughs, Colds, Asthma, Bronchitis,
 Influenza, and all Lung Troubles.

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Mr. LIONEL BUCKILL, the eminent actor, writes: "I think it is a very valuable medicine for my professional and private use, and have recommended it to my friends and other actors."

Mr. J. WILLIAM DENNIS, 25, Cape Street, Barbours, Yorks, writes: "Having had several years' experience in the chemist's business, I have some knowledge of the properties and popularity of Powell's Balsam, and I can confidently recommend it as being a good cough remedy."

Mr. A. J. WOODHOUSE, Fern Lodge, Chesham, Bucks, writes: "Last year I used Powell's Balsam of Aniseed for a very severe cold of which I suffered, which I feared would result in a pulmonary affection."

It loosens the Phlegm immediately, and removes the tickling sensation in the Throat, which causes the cough, and soothes the inflamed Membrane, and Strengthens the Voice and Cures Hoarseness.

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 But see the well-known Trade Mark—Lion, Net and Monogram on each wrapper.
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THE WORLD-FAMED BLOOD PURIFIER AND RESTORER. IS WARRANTED TO CLEAN THE BLOOD FROM ALL IMPURITIES from whatever cause arising. For Scrofula, Scurvy, Eczema, Skin and Blood Diseases, Blackheads, Pimples and Bores of all kinds, it is a never failing and permanent cure. Cures Old Sores. Cures Sores on the Neck. Cures Sore Legs. Cures Blackheads or Pimples on the Face. Cures Scurvy. Cures Ulcers. Cures Blood and Skin Diseases. Cures Glandular Swellings. Clears the Blood from all impure matter. From whatever cause arising. It is a real specific for Gout and Rheumatic pains. It removes the cause from the Blood and Bones. As this Mixture is pleasant to the taste, and warranted free from anything injurious to the most delicate constitution of either sex, the Proprietors solicit sufferers to give it a trial to test its value.

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Clarke's Blood Mixture is sold in bottles of 50 each, and in cases containing six times the quantity. It is sufficient to effect a permanent cure in the great majority of long-standing cases. By ALL CHEMISTS and PATENT MEDICINE VENDERS throughout the world. Proprietors, THE LINCOLN AND MIDLAND COUNTIES DRUG COMPANY, LINCOLN, England. Trade mark—"BLOOD MIXTURE"

CLARKE'S BLOOD MIXTURE.

CAUTION.—Purchasers of Clarke's Blood Mixture should see that they get the genuine article. Worthless imitations and substitutes are sometimes palmed off by unprincipled vendors. The words "Lincoln and Midland Counties Drug Company, Lincoln, England" are engraved on the Government stamp, and "Clarke's World Famed Blood Mixture" is blown in the bottle WITHOUT WHICH NONE ARE GENUINE.

MUST NOT MAKE
ANY EXCEPTION

Collector Stackable has received the following circular from the Treasury Department regarding the searching of personal baggage:

Washington, D. C., May 13, 1902.

To Collectors and Other Chief Officers of the Customs:

The department is in receipt of a number of letters which indicate an impression, on the part of some persons at least, that it is proposed to examine personal baggage only when suspicion is aroused.

This is erroneous. There must be no relaxation in the protection of the public revenues, and the smuggler must have no easier road to travel than prior to the issuance of the recent circulars. The sole object of the modification of the rules was to avoid petty annoyances and to give a somewhat more liberal construction to the statutory provisions for the admission of personal effects. Neither the declaration nor actual personal inspection will be waived, nor will the courtesy of the port be extended to any persons (other than those specified in Department Circular No. 20 of March 5, 1901), in such manner as to exempt from declaration and inspection.

Let the law be enforced kindly but firmly, and let no favoritism be shown in the administration of the customs laws.

LESLIE M. SHAW,
 Secretary.

S. S. TAMPICO IN
FURIOUS STORM

After a trip of terrible weather the Globe Navigation Company's steamer Eureka arrived yesterday morning, twelve days from Seattle.

Tampico arrived yesterday morning, port the vessel ran into a hurricane which lasted for two days. So fierce was the storm that huge waves continually swept over the vessel, washing at times into the captain's quarters and pilot house, which are located on the high superstructure of the steamer.

The rail on the stairway leading to the captain's quarters was carried away and the doors of the afterhouse were stove in by the force of the rushing water. At times grave fears were entertained by those aboard for the vessel's safety.

When the storm was at its worst the steam steering gear broke down and the Tampico was left practically helpless in the trough of the sea. The after breakwater was carried completely away and the contents of the mess room and cabins were badly battered about and damaged.

The Tampico lies at the Irmgard wharf, where she will discharge the 1900 tons of general merchandise she brought from Seattle.